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Remarks

It is respectfully being brought to the Examiner's attention that, as filed, there were 15 claims in the case and not 14 as mentioned by the Examiner:

Applicants note that the rejection requirement was made final; and accordingly, claim 12 was cancelled without prejudice.

Claims 1-5, 7-11, 13 and 14 were rejected under 35 U.S.C. 102 (b) as being anticipated by Hanson et al. It is respectfully requested that this rejection be withdrawn. Hanson et al. clearly does not anticipate the present claimed invention.

The present invention claims a microfluidic structure which is part of a sensor with a sensing surface such as a SPR sensor. More specifically, this invention deals with a microfluidic structure which has a low contact force pressure seal by having a flow channel block with a hard (at least D50 as measured by a Shore D), very smooth surface (a surface roughness of less than $0.5\mu\text{m}$), including at least one recess that defines a microfluidic flow channel when attached to the sensor surface of a SPR device. To achieve a good seal, it does not need adhesive material, elastomers, or high pressure contacting force as has been used in the prior art. It has the advantages of being dimensionally stable, easily and reliably being able to be connected and disconnected to the sensor device, chemically stable, etc. The prior art, and more specifically, Hanson et al. in no way anticipates the present claimed invention. Hansen et al. does not disclose the claimed structure of the present invention. Hansen merely discusses the mixing of fluids in a microfluidic channel which can be used as part of a SPR device. Anticipation is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention. See In re Paulsen, 30 F.3d 1475, 1480-1481, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994) and In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

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The Examiner rejected claim 6 under 35 U.S.C. 103 (a) as being obvious over Hansen et al. in view of Gerhardt et al. It is respectfully maintained that this rejection is rendered moot for the reasons set forth above.

In view of the above, it is believed that independent claims 1 and 13 are in condition for allowance. Claims 2-11, 14 and 15 depend from claim 1 and 13 respectfully; and accordingly, should also be in condition for allowance for the reasons stated above.

For the above reasons, reconsideration by the Examiner, allowance of the claims as now presented, and passing of the case to issuance are respectfully solicited.


Respectfully submitted,



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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 today.

 3/16/07
Russell E. Baumann Date